

IN THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE CHAPTER 13 BANKRUPTCY

Date April 10, 2022

Case no. 2210270

Karie A. Simmons

11127 NE 162ND S

Bothell, WA 98041

Plaintiff

vs.

HSBC Bank USA

452 5th ave

New York NY 10018

Defendant,

FINAL NOTICE OF DEFAULT AND MY
UN-REBUTTED AFFIDAVIT AND
DECLARATION OF THESE FACTS

REGISTERED MAIL NO.

Rf 561 425 620 US

FILED
Western District of Washington
at Seattle

APR 26 2022

MARK L. HATCHER, CLERK
OF THE BANKRUPTCY COURT

NOTICE OF DEFAULT AND MY UN-REBUTTED

"AFFIDAVIT AND DECLARATION OF THESE FACTS"

Reference TIN# 22-2195996

Account No. 7131401882

Plaintiff, Karie A. Simmons, does hereby "***lawfully notice***" HSBC Bank USA that as of this date you failed to file your "**Proof of Claim**" in the above listed Bankruptcy Case. You also failed to show up at your 341 Creditors Meeting on April 11, 2022. Further, you were lawfully **put on Notice of this Pending Case** via 3 Certified Letters, that I previously sent you marked, Exhibits A, B, and C in this letter. This is your "**3rd and Final Notice of Your Default**", to remind you that you had a lawful duty under the Bankruptcy Laws to file a **Valid Proof of Claim** in this Bankruptcy Estate listed above to protect any lawful interest that you might have had in this Estate. **Because you have not filed a lawful or valid "Proof of Claim" within the time the law required you to do so, then your nonperformance in this matter is the proof that you have no valid or lawful interest in the specific Bankruptcy Estate. Therefore, this is your Final Notice to file a "RELEASE OF CLAIM" IMMEDIATELY, in the interest of the Plaintiff within this specific case, or if the Plaintiff in this case does not receive it within the next 10 days from the date of this Notice, the PLAINTIFF WILL EXERSIZE HER RIGHT AND FILE A MOTION WITH THE BANKRUPTCY COURT TO HAVE DEFENDANT'S ALLEGED DEBT LAWFULLY DISCHARGED IN FULL, TO PROTECT THE PLAINTIFF'S INTEREST IN HER ESTATE.**


The only documentation that is demanded or required from you at this time, is the **“Release of Claim”**, as you have waived your legal right to file a lawful **“PROOF OF CLAIM”**. **HSBC Bank USA**, is now in Default and has acquiesced by its silence, and does not at this time have a lawful standing or bases to bring forth any lawful remedies that they would have been entitled to the Defendant in this instant Case, had the Defendants filed their **“PROOF OF CLAIM”** within the time allowed within this instance Bankrupt Case. This final lawful action needs to be completed by you or your lawfully appointed legal representative immediately, within the next 10 days from the Date of this Notice, for the purpose of voluntarily **“Releasing your interest or Claim”** to this property and or estate.

Defendant’s **“failure to respond”** to this **“Notice of Default”** will be taken by the Plaintiff as a **Dishonor**, in that the Defendant is and has been acting in **Bad Faith** in this matter. Further, Defendant’s Silence will now be used as evidence by the Plaintiff that the Defendant in this Case has acquiesced in this matter. Therefore it will be treated as an Administrative Default, per the Administrative Procedures Act of 1946. Further, if Defendant **“fails to respond”** voluntarily within the time allowed in this **“Notice of Default”**, Defendant’s silence will give the Plaintiff in this instant case the lawful right to file a MOTION WITHIN THE BANKRUPTCY COURT TO HAVE YOUR ALLEDGED SECURED DEBT LAWFULLY DISCHARGED IN FULL, TO PROTECT THE PLAINTIFF’S INTEREST IN HER ESTATE.

Defendant’s **“failure to produce”** the **Original “WET INK” Signature on the Original Promissory note** has been taken by the Plaintiff as a Dishonor, and the Defendant is and has been acting in Bad Faith and in Dishonor in every step of the instant Bankruptcy proceedings. Further, Defendant’s Silence by not showing up at the 341 Creditors meeting on April 11th 2022, will now be used as evidence that **HSBC Bank USA** has acquiesced in this matter, and it will be treated as an **“Administrative Default”**, as per the Administrative Procedures Act of 1946.

Defendant’s **“failure to produce”** the required documentation that was sent to **“HSBC Bank USA”** in the past 2 CERTIFIED or REGISTERED MAILINGS, has become the lawful evidence that the Defendant’s Secured Creditor position in this matter lacked the necessary lawful elements for the Defendants to file a **“Valid Proof of Claim”**. Therefore, the question of “HSBC Bank USA’s” alleged Secured Creditors’ Debt is hereby moot, and lawfully dischargeable within this instant Bankruptcy Case.

Sincerely,

 Date 4/20/22

Karie A. Simmons, Plaintiff

Enclosed Exhibits:

Exhibit A. Plaintiffs first Notice to HSBC Bank USA.


Exhibit B. Plaintiffs 2nd Notice to HSBC Bank USA.

Exhibit C: Plaintiffs 3rd Notice to HSBC Bank USA.

CERTIFICATE OF SERVICE

I HERBY CERTIFY that a true and correct copy of the previous two pages of this **“NOTICE OF DEFAULT AND MY UN-REBUTTED AFFIDAVIT AND DECLARATION OF THESE FACTS”** has been sent to HSBC Bank USA by way of **REGISTERED MAIL** to Defendants at their last known address: **HSBC Bank USA, 452 5th ave New York NY 10018** on this 20 day of April, 2022.


Karle A. Simmons


Witness

UN-REBUTTED AFFIDAVIT

NOTICE OF DEFAULT AND AFFIANT'S UN-REBUTTED "AFFIDAVIT AND DECLARATION OF THESE FACTS"

I, Karie A. Simmons, residing at 11127 NE 162nd St., Bothell, WA, herein referred to as and incorporated into this Affidavit as, "Affiant", do solemnly affirm and declare to the best of my abilities, verify, and state as follows:

1. Affiant is competent to state the matters set forth herein, and;
2. Affiant has first-hand personal knowledge of the facts stated herein, and;
3. Affiant states that all the facts stated herein are true, correct, and complete to the best of my knowledge, the information that is stated in my **NOTICE OF DEFAULT AND AFFIANT'S UN-REBUTTED "AFFIDAVIT AND DECLARATION OF THESE FACTS"** is accurately stated. If called upon as a witness, Affiant will testify to the veracity of my personal understandings and reasons for the drafting of this sworn Un-Rebutted affidavit, and;
4. Affiant has acted in "**Good Faith and in Honor**" by sending **HSBC Bank USA** a lawful copy of the document identified in the paragraph above, to notify them that they need to immediately File their "**Release of Claim**" in Affiant's Bankruptcy Case No. 2210270, within the next 10 days from the 20th of April 2022, to voluntarily file their "**Release of Claim**". In their "**failure to produce**" the "Release of Claim" to the Bankruptcy Court in the time allowed, "**HSBC Bank USA**" will then be in Default, **therefore**, acquiescing, by their silence, which will then allow Affiant the lawful right to exercise my lawful right to seek a lawful remedy, and file a motion with the Bankruptcy Court, to have "**HSBC Bank USA's**" alleged "Secured Debt" be lawfully discharged within the instant Bankruptcy Case, to protect Affiant's lawful interest in her Estate, and;
5. Affiant has Acted in "**Good faith and in Honor**" by sending "**HSBC Bank USA**" three CERTIFIED and REGISTERED MAIL NOTICES, as well as Affiant's Sworn Affidavits that are enclosed and attached herein as Exhibits A, B, and C, to insure that "**HSBC Bank USA**" has been timely notified of all aspects and important dates of Affiant's current "**Chapter 13 Bankruptcy**" status, and;
6. Affiant states that, as of today's date, "**HSBC Bank USA**" and or their legal Representatives have remained "**Absolutely Silent**" to Affiant's three

Certified and REGISTERED MAIL NOTICES, as well as all of Affiant's Sworn Affidavits that were attached to them. **"HSBC Bank USA"** and or their legal Representatives have willfully refused to file their **"Proof of Claim"** and or meet with the appointed Bankruptcy Trustee in Affiant's **"341 Creditors Meetings"** to defend the Bank's alleged Claim of Secured Debt, and;

7. Affiant has therefore has accepted **"HSBC Bank USA's"** Silence, their Non-Response, their Non-Rebuttal of Affiant's Sworn Affidavits and Affiant's timely filed Notices that are all listed in Exhibits A, B, and C and their refusal to appear at Affiant's **"Chapter 13 Bankruptcy"** and defend their Claim in Affiant's estate. Therefore, their willful failure to timely file their **"Proof of Claim"** has now become lawful evidence, that **"HSBC Bank USA"** and or their legal Representatives have **"lawfully acquiesced"** via **"Tacit Agreement"** to all the matters as outlined within the pages of Affiant's Sworn Affidavits and all of Affiant's CERTIFIED AND REGISTERED MAILINGS as listed in Affiant's enclosed Exhibits marked A, B, and C and;

8. In Closing, Affiant further states that an **"Un-Rebutted Affidavit"**, after 10 days from the date it is received, stands as **"Truth in Commerce"**. (See Exhibit 1) Further, an **"Un-Rebutted Affidavit"** becomes the **"Judgment in Commerce"**. (See Exhibit 1) Therefore, because of **"HSBC Bank USA"** and or their legal Representatives absolute Silence, their Non-Response, their Non-Rebuttal, of Affiant's Correspondence, and Affiant's Sworn Affidavits, as well as their Willful Failure to File their "Proof of Claim" or even show up for their 341 Creditors Meeting, a lawful **"Tacit Agreement"** was created, and the Information in Affiant's Correspondence now **"Stands as the truth, and has become the Lawful Evidence standing as the Un-Rebutted Truth in Affiant's Chapter 13 Bankruptcy Case"**, and;

9. In conclusion, Affiant further states and reiterates, that the **"UN-REBUTTED AFFIDAVITS"** and the documented Unanswered Correspondence in this Mailing now stand as lawfully admissible facts in Affiant's **"Chapter 13 Bankruptcy Case"** as **"Unchallenged Factual Evidence"** in its Un-Rebutted written form. It is further agreed by the parties, that there is no longer any **"Argument or Controversy"** on the facts, the language or the word usage in Affiant's past two Affidavit and Written Correspondence, as well as this current Affidavit, it's written correspondence and its Exhibits now **"Stand as the Truth"** and the **"Judgment in Commerce"** on this Matter, and can now be lawfully used in Affiant's instant Chapter 13 Bankruptcy Case as factual evidence for future Motions to be filed by Affiant. (See Exhibit 1)

FURTHER AFFIANT SAYETH NAUGHT.

Under the PENALTY OF PERJURY, under the laws of the State of Washington, I certify that this **“UN-REBUTTED AFFIDAVIT”**, identified above, is true and correct, and that the three page Letter that I drafted entitled **“NOTICE OF DEFAULT AND MY UN-RUBUTTED AFFIDAVIT AND DECLARATION OF THESE FACTS”** (See Exhibit 2) is to the best of my understanding and knowledge done in **“Good Faith and in Honor”**. I have sent this Affidavit and my **“NOTICE OF DEFAULT”** letter to provide **HSBC Bank USA** with a detailed instructions and an outline of the time they have to voluntarily file their **“RELEASE OF CLAIM”** within Affiant’s instant Chapter 13 Bankruptcy Case.

 Date 4/20/22
Karie A. Simmons

Exhibit 1: enclosed: Two page legal research from **CASEMINE** law research on the **“Maxims of Law”** and up to date Court Case research on **“Affidavits and Un-Rebutted Affidavits”**.

Exhibit 2: Letter dated April²⁰ 2022 from Karie A. Simmons that was sent via REGISTERED Mail to **HSBC Bank USA.**

EXHIBIT 1

CASEMINE RESEARCH

On Affidavits and Unrebutted Affidavits

1. Cite text. Cases cited for the legal proposition you have searched for.

In this case.....Plaintiff asserts that the Court is bound by a variety of “maxims of law”, such as an **unrebutted affidavit** stands as....UCC’s “underlying purposes and policies”. Va. Code Ann §§ 8.1A-204,-201(16), -103. None of these provisions suggests that failure to respond to an “**Affidavit of Truth**” within ten days constitutes an....state a claim upon which relief can be granted. Accepting all factual allegations in Plaintiff’s complaint as true and drawing all reasonable inferences in her favor, I find that the Plaintiff has pleaded ...

Motion to dismiss: Granted

2. Bey v. Stumpf

COURT: UNITED STATES OF DISTRICT COURT, D. NEW JERSEY

DATE: OCT 17, 2001 CITED BY: 26 CORAM:1

In this case..... **Unrebutted Affidavit Stands as Truth in Commerce** * An **Unrebutted Affidavit Becomes the Judgment in Commerce** * He Who Leaves the Battlefield First Loses..... this Writ/Petition has not rebutted and this issue **stands as** Judgment. Again! * In Commerce **Truth is Sovereign** * **Truth** is Expressed in the Form of an Affidavit.....**Stands as Truth** in Commerce * An **Unrebutted Affidavit** Becomes the **Judgment in Commerce** * He who leaves the Battlefield first loses.....

3. Kapenda v. Parker

COURT: COURT OF APPEALS OF OHIO TENTH APPELLATE DISTRICT

DATE: MAY 7, 2019 CITED BY: 0 CORAM: 1

In this case..... 6:3-5 19:11-13; Num. 30:2; Matt. The fifth (5th) maxim of law says, An **unrebutted affidavit stands as truth in commerce** Exhibit (C) An injunction was given to prosecutor Dyal Kenner..... Magistrate on April 9, 2018, and argues that his submittal of **unrebutted affidavits**.....

4. Black v. Van Schiver

COURT: UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

DATE: SEPT 1, 2016 Motion to dismiss: Granted

In this case..... **Truth is expressed in the form of an Affidavit. An un rebutted affidavit stands as truth in commerce. An un rebutted affidavit becomes judgment. (Doc. No. 1 at 14-15.)** Finally, plaintiff asserts that one of the exhibits submitted with his complaint is his **“Affidavit of Truth”**.....

5. **Adkins v. Kentucky**

COURT: UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY LOUISVILLE DIVISION

DATE: DEC 12 2018 CORAM: 1

In this case..... it discusses an **affidavit** which Petitioner apparently signed. It states, **“Truth** as a valid statement of reality is sovereign in commerce; An **un rebutted affidavit** or declaration stands as.... An **un rebutted affidavit** is acted upon as the judgement in commerce; Guaranteed – All men/women shall have a remedy by the due course of law... Elizabeth Adkins initiated this pro se action by filling a document caption as a “Writ of Execution or Judicial Order Enforcing Judgment

6. **Chyba v. First Fin. Asset Mgmt. Inc**

COURT: UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA DATE: APR 30, 2013 CORAM: 1

In this case....Third, Plaintiff claims that the Defendant did not rebut her Affidavit with an affidavit, and that an **un rebutted affidavit stands as truth. ...**

Plaintiff’s Affidavit as an initial matter, this Court addresses a dispute between the parties concerning the propriety of evidence offered by Plaintiff. As part of her Opposition to... counsel was submitted as evidence. Second, plaintiff claims that Defendant **did not rebut Plaintiff’s affidavit in a timely manner proper format under the local rules** and.....

Exhibit 2

EXHIBIT A

AFFIDAVIT AND DECLARATION OF FACTS

OF "PETITION FOR A VERIFICATION OF DEBT"

I, Karie A. Simmons, residing at 11127 NE 162nd St., Bothell, WA, herein referred to as and incorporated into this Affidavit as, "Affiant", does solemnly affirm, declare to the best of her abilities, verify, and state as follows:

1. Affiant is competent to state the matters set forth herein, and;
2. Affiant has first-hand personal knowledge of the facts stated herein, and;
3. Affiant states that all the fact stated herein are true, correct, and complete to the best of my knowledge of the information that is stated in my PETITION FOR A VERIFICATION OF DEBT that I authored on March 18/2022. If called upon as a witness, Affiant will testify to the veracity of my personal understandings and reasons for the drafting of this document.
4. Affiant has acted in "Good Faith and in Honor" by sending HSBC Bank USA a lawful copy of this document to allow them to have the time that they need to File their "Proof of Claim" in my Bankruptcy Case No. 2210270. I have also given them a detailed outline of information and the evidence that they will need to produce in order to substantiate their claim and to provide the necessary lawful elements for them to provide a "Valid Claim within their Proof of Claim" within my instant Bankruptcy Case.

FURTHER AFFIANT SAYETH NAUGHT.

"Under the PENALTY OF PERJURY, under the laws of the State of Washington, I certify that this "AFFIDAVIT AND DECLARATION OF FACTS, identified above, is true and correct, and that my 3-page Letter entitled PETITION FOR A VERIFICATION OF DEBT, that I drafted is to the best of my understanding and knowledge is done in Good Faith. I have sent it in advance to provide HSBC Bank USA with a detailed outline of the necessary lawful elements that they will need, in order to substantiate their "Proof of Claim" within my instant Bankruptcy Case.

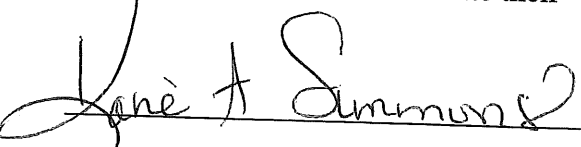
 Date 3/18/22
Karie A. Simmons

Exhibit enclosed: 3-page Letter from Karie A. Simmons to PHH Mortgage.

IN THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE
CHAPTER 13 BANKRUPTCY

Date March 18th 2022

Case no. 2210270

Karie A. Simmons
11127 NE 162ND St.
Bothell, WA 98011
Plaintiff,

vs.

HSBC Bank USA
452 5th Ave.
New York, NY 10018
Defendant,

PETITION FOR A VERIFICATION OF
PROOF OF CLAIM OF YOUR
DEBT OR INTREST IN THIS REAL
PROPERTY OR RELEASE OF CLAIM

PETITION FOR A VERIFICATION OF DEBT

Reference TIN# (none)

Account No. 201510160000384

Plaintiff, Karie A. Simmons, does hereby lawfully request verification from HSBC Bank USA of the alleged debt, encumbrance, or interest in or on the property referenced in the Account No. above, in the form of a “**Proof of Claim**”. This documentation is necessary in order to establish whether Wells Fargo Bank, in this Case, has a lawful standing to bring forth remedies entitled to the Defendant in this instant Case. The Plaintiff in this instant case does hereby lawfully request the Defendant listed in this Case No. 2210270 **to produce the following documents** (listed on page 2), to be listed within your “**PROOF OF CLAIM**” as **lawful evidence and verification of your claim**. This action needs to be completed within the next 15 days from the Date of this Notice for the purpose of verification of the debt, encumbrance or interest in the real property noted above or your written “**Release of Claim**” to this property.

1. **Produce** the **Original “WET INK” Signature Promissory note** signed by the Defendant Karie A. Simmons in association with the loan pursuant to USC Title 18, Part 1, Chapter 101 § 2071.

2. **Provide proof** that the Defendant is in fact the **Lawful Note Holder in Due Course**, and that PHH Mortgage has a “**lawful standing as a Party of Interest**” in the original Promissory Note. This is because the Plaintiff has reason to believe that the Defendant might have bought an interest in the alleged Promissory Note, under a Mortgage-backed Securities Interest from another Mortgage Company, and that the Defendant is not a lawful party to, or within, the original Promissory Note.

3. Defendant “**must stipulate to Plaintiff in this case via a Lawful Affidavit**” signed under the “Penalty of Perjury” by someone who can be lawfully subpoenaed, who is able to show Proof that the Defendant in this instant case is in fact a “**Lawful Secured Creditor of the original Loan/Security Instrument**”. In this case, a Lawful Secured Creditor needs to show true double entry accounting of this debt as evidence of the transaction, within the original loan to the Plaintiff, according to the Generally Accepted Accounting Principles. (GAAP)

4. If the “**Defendant is unable**” to or for whatever reason cannot produce a **Lawful Proof of Claim that is signed under Penalty of Perjury**, **HSBC Bank USA** will be unable to have any Lawful standing in this instant Case, or any other future controversy or claim concerning this matter.

5. If the Defendant in this case is “**unable to produce**” a “**Lawful Proof of Claim**”, signed under the **Penalty of Perjury**, then the Plaintiff in this Case, will pray to the Court to ask for an Order to have the Defendant’s Alleged Debt discharged in favor of the Plaintiff. Then Plaintiff will be free to seek whatever lawful remedies or recourses that are due to the Plaintiff in this instant Case.

6. Defendants “**failure to respond**” to this letter will be taken by the Plaintiff as a Dishonor, and that the Defendant is acting in Bad Faith in this matter. Further, Defendant’s Silence will be used as evidence that Defendant has acquiesced in this matter, and it will be treated as an Administrative Default, per the Administrative Procedures Act of 1946. Further, if Defendant “**fails to respond**” within the time allowed in this Notice, Defendant’s “**Alleged Secured Debt**” will have no legal standing in this instant Case before this Bankruptcy Court.

7. Defendant’s “**failure to produce**” the **Original “WET INK” Signature on the Original Promissory note** will be taken by the Plaintiff as a Dishonor, and that the Defendant is acting in Bad Faith. Further, Defendant’s Silence will be used as evidence that **HSBC Bank USA** has acquiesced in this matter, and it will be treated as an “**Administrative Default**” as per the Administrative Procedures Act of 1946. In closing, Defendant’s “**failure to produce**” the documentation requested in this Petition will become the evidence that the Defendant’s Secured Creditor position in this matter, lacks the necessary lawful elements for a “**Valid Proof of Claim**”, and is therefore moot, in this instant Bankruptcy Case.

Sincerely,

Karie A Simmons Date 3/18/22
Karie A. Simmons, Plaintiff

CERTIFICATE OF SERVICE

I HERBY CERTIFY that a true and correct copy of the previous two pages of this **PETITION FOR A VERIFICATION OF DEBT** has been sent to HSBC Bank USA by way of **REGISTERED MAIL** to Defendant's at their last known address: HSBC Bank 452 5th Ave. New York, NY 10018 on this ____ day of March 2022.

Karie A Simmons
Karie A Simmons

Witness

REGISTERED MAIL NO. _____

* Note the original copy sent had a witness signature

EXHIBIT B

My Copy

**AFFIDAVIT AND DECLARATION OF FACTS
OF "NOTICE OF DEFAULT AND DEMAND" THAT YOU
FILE YOUR "PROOF OF CLAIM" OR "RELEASE OF CLAIM"**

I, Karie A. Simmons, residing at 11127 NE 162nd St., Bothell, WA, herein referred to as and incorporated into this Affidavit as, "Affiant", does solemnly affirm, declare to the best of her abilities, verify, and state as follows:

1. Affiant is competent to state the matters set forth herein, and;
2. Affiant has first-hand personal knowledge of the facts stated herein, and;
3. Affiant states that all the facts stated herein are true, correct, and complete to the best of my knowledge of the information that is stated in my **NOTICE OF DEFAULT AND DEMAND" THAT YOU FILE YOUR "PROOF OF CLAIM" OR "RELEASE OF CLAIM"** that I authored on April 8th /2022. If called upon as a witness, Affiant will testify to the veracity of my personal understandings and reasons for the drafting of this document.
4. Affiant has acted in "Good Faith and in Honor" by sending **HSBC Bank USA** a lawful copy of the document identified in paragraph above, to allow them to have the time that they need to File their "Proof of Claim" or "Release of Claim" in my Bankruptcy Case No. 2210270. I have also given the Bank a detailed outline of information and the evidence that they will need to produce and attach to their "Proof of Claim" or "Release of Claim", in order to substantiate their claim and to provide the necessary lawful elements for them to provide a **"Valid Proof of Claim"** within my instant Bankruptcy Case.

FURTHER AFFIANT SAYETH NAUGHT.

Under the PENALTY OF PERJURY, under the laws of the State of Washington, I certify that this **"AFFIDAVIT AND DECLARATION OF FACTS"**, identified above, is true and correct, and that my 3-page Letter that I drafted entitled **"NOTICE OF DEFAULT AND DEMAND" THAT YOU FILE YOUR "PROOF OF CLAIM" OR "RELEASE OF CLAIM"** is to the best of my

understanding and knowledge done in Good Faith. I have sent this Affidavit and my **NOTICE OF DEFAULT AND DEMAND** letter to provide **HSBC Bank USA** with a detailed outline of the necessary lawful elements that they will need, in order to substantiate their "Proof of Claim" or their "Release of Claim", within my instant Bankruptcy Case.

Karie A. Simmons Date 4/8/22

Karie A. Simmons

Exhibit A enclosed: 3-page Letter from Karie A. Simmons that was sent via REGISTERED Mail to **HSBC BANK USA.**

My Copy

IN THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE CHAPTER 13 BANKRUPTCY

Date April 8th, 2022

Case no. 2210270

Karie A. Simmons
11127 NE 162ND St.
Bothell, WA 98011

Plaintiff,

vs.

HSBC Bank USA
452 5th Ave.
New York, NY 10018

Defendant,

NOTICE OF DEFAULT AND DEMAND
THAT YOU FILE YOUR "PROOF OF
CLAIM" OR "RELEASE OF CLAIM"

REGISTERED MAIL NO.

**NOTICE OF DEFAULT AND DEMAND THAT YOU
FILE YOUR "PROOF OF CLAIM" OR "RELEASE OF CLAIM"**

Reference TIN# (none)

Account No. 201510160000384

Plaintiff, Karie A. Simmons, does hereby "*lawfully notice*" HSBC Bank USA that you failed to file your "Proof of Claim" in the above listed Bankruptcy Case. You also failed to show up at your 341 Creditors Meeting on April 4, 2022. Further, you were lawfully put on **Notice of this Pending Case** via a Certified Letter, that I previously sent you marked, Exhibit A in this letter. This is your "**2nd Notice and Demand**", to remind you that if you do have a lawful claim in this Bankruptcy Estate listed above, that you must immediately file your "**Proof of Claim**" within the next 10 days from the date of this Certified letter to secure your lien, encumbrance or your lawful interest in or on the property referenced in this Bankruptcy Case No. .

2210270. If you do not have a lawful or valid claim, then file a "RELEASE OF CLAIM" in the interest of the Plaintiff within this case.

This documentation that is demanded is necessary in order to establish whether HSBC BANK USA, does or does not have a lawful standing to bring forth remedies entitled to the Defendant in this instant Case. The Plaintiff in this instant case does hereby lawfully request the Defendant listed in this Case No. 2210270 to also produce the following documents listed below in numbers 1-7. These documents must be listed or attached to your "PROOF OF CLAIM" as **lawful evidence to verify and validate your claim. Failure to do so, in the time the law requires you to do so, could result in the Lawful discharge of your alleged debt that is listed on the previous debt related documents that you have sent me, and that I have personally filed in this Bankruptcy Case.**

This lawful action needs to be completed by you or your lawfully appointed legal representative immediately, within the next 10 days from the Date of this Notice, for the purpose of validation and verification of your alleged debt, encumbrance or interest in the real property noted above or your written and signed "Release of Claim" to this property and or estate.

1. Produce the Original "WET INK" Signature Promissory note signed by the Defendant Karie A. Simmons in association with the loan pursuant to USC Title 18, Part 1, Chapter 101 § 2071.

2. Provide proof that the Defendant is in fact the Lawful Note Holder in Due Course, and that HSBC BANK has a "lawful standing as a Party of Interest" in the original Promissory Note. This is because the Plaintiff has reason to believe that the Defendant might have bought an interest in the alleged Promissory Note, under a Mortgage backed Securities Interest from another Mortgage Company, that the Defendant is not a lawful party to, or within, the original Promissory Note.

3. Defendant "must stipulate to Plaintiff in this case via a Lawful Affidavit" signed under the "Penalty of Perjury" by someone who can be lawfully subpoenaed, who is able to show documented Proof and Bona Fided evidence that the Defendant in this instant case is in fact a "Lawful Secured Creditor of the original Loan/Security Instrument". In this case, a Lawful Secured Creditor needs to also show true double entry accounting of this debt as evidence of the transaction, within the original loan to the Plaintiff and the Bankruptcy Court, according to the Generally Accepted Accounting Principles. (GAAP)

4. If the "Defendant is unable" to or for whatever reason cannot produce a Lawful "Proof of Claim" that is signed under Penalty of Perjury, HSBC Bank USA will be unable to have any Lawful standing in this instant Case, or any other future controversy or claim concerning this matter.


5. If the Defendant in this case is "unable to produce" a "Lawful Proof of Claim", signed under the **Penalty of Perjury**, then the Plaintiff in this Case, will pray to the Court and ask for an Order to have the Defendant's Alleged Debt discharged in favor of the

Plaintiff. Then Plaintiff will be free to seek whatever lawful remedies or resources that are due to the Plaintiff in this instant Case.

6. Defendant's **"failure to respond"** to this letter will be taken by the Plaintiff as a Dishonor, and that the Defendant is acting in Bad Faith in this matter. Further, Defendant's Silence will be used as evidence that Defendant has acquiesced in this matter, and it will be treated as an Administrative Default, per the Administrative Procedures Act of 1946. Further, if Defendant **"fails to respond"** within the time allowed in this Notice, Defendant's **"Alleged Secured Debt"** will have no legal standing in this instant Case before this Bankruptcy Court.

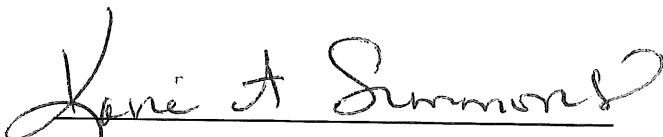
7. Defendant's **"failure to produce"** the Original **"WET INK" Signature on the Original Promissory note** will be taken by the Plaintiff as a Dishonor, and that the Defendant is acting in Bad Faith. Further, Defendant's Silence will be used as evidence that HSBC Bank USA has acquiesced in this matter, and it will be treated as an **"Administrative Default"** as per the Administrative Procedures Act of 1946. In closing, Defendant's **"failure to produce"** the documentation requested in this Petition will become the evidence that the Defendant's Secured Creditor position in this matter, lacks the necessary lawful elements for a **"Valid Proof of Claim"**, and is therefore moot, and lawfully dischargeable within this instant Bankruptcy Case.

Sincerely,

 Date 4/8/22
Karie A. Simmons, Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the previous three pages of this **NOTICE OF DEFAULT AND DEMAND THAT YOU FILE YOUR "PROOF OF CLAIM" OR "RELEASE OF CLAIM"** has been sent to HSBC Bank USA by way of **REGISTERED MAIL** to Defendant's at their last known address: HSBC Bank 452 5th Ave. New York, NY 10018 on this 8th day of April, 2022.


Karie A Simmons

* Original Sent Had a 3 witness Signature

EXHIBIT C